

Attorney Docket No. TS6632/US

REMARKS/ARGUMENTS

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner has maintained the rejection of Claims 11 to 28 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner has noted that the phrase "Step I MW" in claim 11 and claims 21 to 23 renders the claims indefinite because "Step I MW" is unclear since the phrase is not defined by the claim and the specification does not provide a standard for ascertaining this molecular weight. This rejection is respectfully traversed with regard to Claims 11 to 28.

Applicants maintain that one skilled in the art would readily understand that in the absence of a particular designation, molecular weights in the area of styrenic block copolymers refer to molecular weights measured using polystyrene equivalent standards. The present application supports this as can be shown with reference to the polymers of the present invention. The Examiner's attention is directed to Table 1, Polymers G and H of the present invention which include the step I molecular weight, the step III molecular weight and the polystyrene content for Polymers G and H. In the case of the present polymers, the phrase "step I molecular weight" is used with regard to poly(styrene-butadiene-styrene) polymers (support may be found in the title of the application, Claim 11, and throughout the specification). Those skilled in the art will recognize that the step I of such polymers is the primary step in making the polymer claimed—in the case of the poly(styrene-butadiene-styrene) polymer this means the preparation of the first styrene block. According to Table 1, the Polymer G has a step I molecular weight (styrene block molecular weight) of 9,100, a step III overall molecular weight of 182,100 and a polystyrene content of 18%. If the molecular weights are true molecular weights, then the calculation can be made to achieve the step III molecular weight that is listed in Table 1. In other words, one skilled in the art would expect to be able to multiply the styrene molecular weight by two (the number of styrene endblocks), and then divide this amount by the polystyrene content in order to obtain the true molecular weight for the block copolymer.

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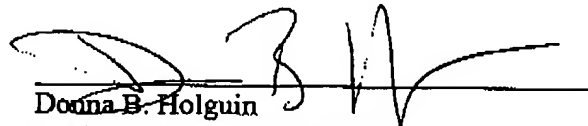
In the case of Polymer G, this calculation would be $2 \times 9,100 / 0.18 = 101,111$ (true molecular weight). However, as noted in Table 1, the step III molecular weight for Polymer G is listed as 182,200. The same is true with regard to Polymer H whose calculation is $2 \times 9,100 / 0.16 = 113,750$ (true molecular weight). In this case, Table 1 provides a step III molecular weight for Polymer G of 175,200. Therefore, one skilled in the art, making these calculations can readily conclude that the molecular weights listed are not true molecular weights but are instead molecular weights based on styrene equivalent standards.

Accordingly, in the claims of the present invention, the reference in the claims and throughout the specification to step I molecular weight references the molecular weight as measured using polystyrene equivalent standards. Therefore, Claims 11 to 28 are not indefinite.

Applicants maintain that Claims 11 to 28 are not indefinite under 35 U.S.C. § 112, second paragraph, and respectfully request that this rejection be withdrawn. Allowance of the claims, as amended, is earnestly solicited.

Respectfully submitted,

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